

## REMARKS/ARGUMENTS

Claims 12-18, 20, 22 and 29-40 are currently pending in this application.

### **Rejection Under 35 U.S.C. 103(a)**

Examiner has rejected claims 12-13, 15-18, 20, 22 and 29-40 under 35 U.S.C. 103(a) as allegedly being unpatentable over Megevand *et al.* in view of U.S. Patent No. 5,206,568 (Bjornson *et al.*). In addition, Examiner has rejected claim 14 under 35 U.S.C. 103(a) as allegedly being unpatentable over Megevand *et al.* in view of U.S. Patent No 5,206,568 (Bjornson *et al.*) and U.S. Patent No. 5,578,460 (Ebersole *et al.*). Applicant respectfully traverses Examiner's rejections for the reasons set forth below.

Megevand *et al.* disclose collecting phytoseiid mites in a pipette tip using an aspirator, followed by sealing one end of the pipette tip using paraffin and covering the other end of the pipette tip with mite-proof gauze (page 120, 3<sup>rd</sup> paragraph from the top), to form a pipette tip having sealed ends that do not permit the mites from escaping.

Bjornson *et al.* describe a method comprising aspirating fluid into a pipette tip, releasing the aspirated fluid into a well, and transferring the fluid from the well into another well that optionally contains a chemical reagent.

Ebersole *et al.* describe sealing the dispensing end of a pipette tip to form a micro-collection tube, and using the micro-collection tube to collect fluid.

Applicant respectfully submits that the Examiner's outstanding obviousness rejections against the currently pending claims are improper since the cited Megevand *et al.* reference is not properly combinable with the cited Bjornson *et al.* and Ebersole *et al.* references as it relates to a *different* technical field (i.e. the collection and retention of mites) than the other cited references, which relate to the handling of a fluid material. As a result, a person skilled in the art would not be motivated to combine Megevand *et al.* with the other cited references to arrive at the presently claimed invention.

Furthermore, the Megevand *et al.* reference discloses a pipette tip that is sealed at *both* ends to prevent the contents (mites) from escaping. In contrast, the first pipette tip recited in the currently pending claims is sealed at a *single* end to allow for the

manipulation of the fluid within it. The Megevand *et al.* reference, therefore, *teaches away* from using a pipette tip having a single closed end since the use of such a pipette tip would not result in the desired outcome of preventing the mites from escaping from its interior. As a result, the combination of Megevand *et al.* with Bjornson *et al.* and Ebersole *et al.* would not lead to the presently claimed invention.

Accordingly, the presently pending claims are patentable over Megevand *et al.* in view of Bjornson *et al.*, or in view of Bjornson *et al.* and Eberson *et al.*, and Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. 103(a).

It is respectfully submitted that the above-identified application is now in a condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

By 

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